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ALLIA.62F1C1C1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Schutt et al.
Appl. No.	:	09/991,445
Filed	:	November 16, 2001
For	:	Stabilized Microbubble Compositions
Examiner	:	S. Sharareh
Group Art Unit	:	1617

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA, 22313-1450 on

3/19/04

John E. Wurst

COMMISSIONER FOR PATENTS AND TRADEMARKS
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment (7 pages) in the above-identified application. The fee has been calculated as shown below:

Two Month Extension Fee (Small Entity)	$210.00
TOTAL ADDITIONAL FEE	**$210.00**

Enclosed are:

(X) An Amendment in 7 pages.

(X) A check for $210.00 for a two month extension fee.

(X) If for some reason Applicant has not paid a sufficient fee for this response to prevent the abandonment of this application, please consider this authorization to charge our Deposit Account No. 01-1008 for any fee, which may be due. Similarly, please credit any overpayment to Deposit Account No. 01-1008. A duplicate copy of this sheet is enclosed.

(X) A return postcard.

Respectfully submitted,

Dated: 3/19/04

John Wurst
Registration No. 40,283
(858) 410-5174

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ALLIA.062F1C1C1 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Schutt et al.
Appl. No.	:	09/991,445
Filed	:	November 16, 2001
For	:	STABILIZED MICROBUBBLE COMPOSITIONS
Examiner	:	S.Sharareh
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John E. Wurst

RESPONSE TO OFFICE ACTION

Commissioner for Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Official Action dated October 22, 2003, applicants have the following response:

REMARKS

A. Restriction Requirement and Election of Species

Applicants thank the Examiner for the detailed response but believe that several points have been misunderstood. The Examiner states that "published patents are intellectual properties, not legal precedents." While that statement is true, MPEP 803.01 and the cases which interpret 35 USC 121 clearly state that there are two separate criteria for restriction, the second being "that there must be a serious burden on the examiner if restriction is required." The list of patents provided demonstrate that many other patents have issued with claims as broad as that which the Examiner seeks to restrict in this application. The referenced patents indicate that in fact there is no serious burden in examining claims of this scope.

As to the Examiner's point about "unity of invention", applicants are not confusing the